

1 sure. I had a lot to get done at my other job.

2 Q Okay. Did you speak with Mr. Ramirez at
3 anytime during the interview process?

4 A No.

5 Q You never called him to thank him for
6 recommending you for the job?

7 A No, I didn't.

8 Q And when did you start at KALW?

9 A March 1, 2001.

10 Q Did Dr. Ackerman give you any guideline as
11 to what you would be working on when you first
12 started?

13 A It was really much more of a who are you,
14 what's your vision, what's your experience. And Dr.
15 Ackerman wanted to see a relationship between KALW and
16 SFUSD, and both of their public service missions. Find
17 a way to, perhaps, enhance that, especially vis-à-vis
18 students.

19 Q But she didn't give you any specific
20 assignments or projects to work on to kind of give you
21 a heads up as to what you would step into on your
22 first day?

23 A No. It was a very brief visit, actually,
24 with Dr. Ackerman.

25 Q What did you know about KALW before you

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1 started?

2 A Well, I knew that it was an NPR member
3 station, that it had a very small signal in the
4 nation's fifth largest media market, which is a very
5 competitive media market.

6 I know that it was licensed to the Unified
7 School District because I had been pushed to the
8 School District site, and I probably had some thread
9 of memory from my NPR days about that.

10 I knew it was located in a high school,
11 but it wasn't the high school my son went to so I
12 wasn't familiar with that high school.

13 That's about it. And -- oh, I knew that
14 it called itself Information Radio.

15 Q At page 5 of your direct testimony, which
16 was T-3, SFUSD Exhibit T-3 page 5, you said that you
17 weren't familiar with its programming or the
18 management. Did you do any independent research into
19 the station?

20 A Oh, here's page 5. I'm sorry. No.

21 Q Did you ever visit the station to look at
22 the public inspection file?

23 A Before I was hired?

24 Q Yes.

25 A No.

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1 Q Because you knew what a public inspection
2 file was before you started as GM, right?

3 A Well, yes.

4 Q And you knew that it would have
5 programming guides in it or programs/issues lists,
6 right?

7 A Yes.

8 Q So that would be a good way to kind of
9 gauge the programming or basic background information
10 on the station, right?

11 A I wasn't doing an investigative report. I
12 was managing -- trying to exit out of a very busy job.
13 Getting my son stabilized in a new high school. And --
14 and just busy. It's always hard when you're exiting
15 one job and you're about to enter another. Logistics
16 going to be the same, what about the route or taking
17 my son to high school, that's going to change from my
18 job that I had before. I mean, I was pretty busy with
19 the day-to-day.

20 Q Well, at your deposition I believe you had
21 testified that you were reluctant about the KALW
22 position. In fact, that's why you met Mr. Helgeson to
23 talk about the position.

24 MR. PRICE: Objection.

25 JUDGE SIPPEL: Sustained.

1 If you can just get a question to the
2 witness.

3 MS. LEAVITT: Yes, Your Honor.

4 BY MS. LEAVITT:

5 Q At what point did you learn about the
6 license challenge?

7 A I believe it was pretty immediate after I
8 started to work there?

9 Q And who advised you of that?

10 A It was Bill Helgeson.

11 Q Did he tell you about the Letter of
12 Inquiry at that time?

13 A No, he didn't.

14 Q When did he tell you of the Letter of
15 Inquiry?

16 MR. PRICE: Objection.

17 JUDGE SIPPEL: Sustained.

18 BY MS. LEAVITT:

19 Q Did he tell you about the Letter of
20 Inquiry?

21 A To the best of my recollection it was not
22 Bill Helgeson who told me about the Letter of Inquiry.

23 Q Who told you about the Letter of Inquiry?

24 A I believe it was FCC counsel for KALW, Mr.
25 Ernie Sanchez.

1 Q And when did he tell you about that?

2 A In the first day, two days, three days;
3 definitely within the first week that I was at KALW.

4 Q You had a conference with Mr. Sanchez on
5 April 2nd, didn't you -- March 2nd. I'm sorry.

6 A I assume so. It might -- as I said, it was
7 either the first, second, third, fourth day that I was
8 on the job.

9 Q At page 7 of SFUSD T-3 line 20 you
10 indicate that on March 2nd that you and Bill spoke
11 with Mr. Sanchez.

12 A Correct. I indicate that in my direct
13 testimony.

14 Q Yes. Do you recall when you had the
15 conference with Mr. Sanchez?

16 A Well, it was either March 2nd -- I tried
17 to be pretty precise, or maybe March 3rd.

18 Q Okay. Do you have SFUSD Exhibit 16?

19 A My calendar?

20 Q Yes.

21 A Yes, I have that exhibit.

22 Q Okay.

23 A In quarters.

24 Q Right. As you can see, I had to tape one
25 together. If you can look at page 2 of that exhibit.

1 A Yes.

2 Q Have you seen this before?

3 A Yes, it's my calendar.

4 Q From March 2001, right?

5 A Correct.

6 Q And I noticed that on days Monday through
7 Friday of the calendar there is a horizontal slash
8 through almost all of those days. What does that slash
9 indicate?

10 MR. PRICE: Objection. On page 2 it's
11 just Thursday and Friday. Is that what you're
12 referring to a couple of pages here?

13 MS. LEAVITT: Yes.

14 BY MS. LEAVITT:

15 Q It would be throughout the exhibit pages
16 1, 2, 3 and 4 which covers Sunday through Saturday and
17 then the box is labeled Monday through Friday for
18 almost all of them there is a hash mark.

19 A That's correct.

20 Q And what does that hash mark indicate?

21 A Another day has passed.

22 Q Does that mean that you were at work that
23 day?

24 A Correct.

25 Q Okay.

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1 A And I was just starting to check off the
2 days.

3 Q When you find out about the challenge from
4 Mr. Sanchez, what was your reaction?

5 A As I stated in my deposition, I was
6 shocked.

7 Q And why were you shocked?

8 A Because it's a very profound and serious
9 thing to do to license -- to challenge the license of
10 a public radio -- or any radio station.

11 Q Were you surprised that no one had
12 mentioned this to you before you were hired?

13 A Really, I'm trying to get to the place
14 where nothing surprises me that much anymore in my
15 life.

16 Q (Laughter).

17 A Would I have liked to have been told? I'm
18 not sure. I can't really say. Maybe.

19 JUDGE SIPPEL: Well, what was your
20 reaction when you learned? What was your first
21 reaction?

22 THE WITNESS: I was very shocked.

23 JUDGE SIPPEL: Did you feel that you had
24 not been told information that you should have been
25 told?

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1 THE WITNESS: Well, I was told about it in
2 the context that it had been languishing for a while,
3 that there hadn't been that much movement on it. So,
4 there was not -- in all honesty, I can't really say
5 why my feelings would have been being told about it
6 because there were other issues that I wasn't told
7 about either.

8 JUDGE SIPPEL: Okay. Thank you.

9 Go on.

10 MS. LEAVITT: Thank you.

11 BY MS. LEAVITT:

12 Q Looking at page 2 of this exhibit, SFUSD
13 Exhibit 16, in the block labeled "Friday" with a 2 in
14 it, do you recognize what you were doing at 2:00 to
15 3:30 that day?

16 JUDGE SIPPEL: That would be March 2?

17 THE WITNESS: You mean Friday, March 2nd.

18 MS. LEAVITT: Yes, Your Honor. Yes.

19 JUDGE SIPPEL: Hang on.

20 THE WITNESS: Yes, it says "Staff 2:00 to
21 3:30."

22 BY MS. LEAVITT:

23 Q And what does that mean?

24 A A staff meeting.

25 Q And who was at the staff meeting?

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1 A I don't recall.

2 Q Well, who was your staff?

3 A Well, the staff was Bill Helgeson.

4 Q Yes.

5 A And Diane Keogh, who puts together our
6 pledge drives. And Diane had an assistant, a
7 volunteer assistant. And there were the
8 announcer/operators. And there was the chief engineer
9 Phil Hartman. And there was my boss, Jackie Wright. I
10 mean, not that she was staff, but sometimes she came
11 to meetings or some meeting were with her.

12 There were volunteers at the station that
13 helped out a lot. Public radio is dependent upon
14 volunteers.

15 Q So what was Mr. Helgeson's title?

16 A It was my understanding that his title is
17 Operations Manager?

18 Q And Diane Keogh?

19 A On Air Fundraising Producer.

20 Q Okay. And Phil Hartman.

21 And what was Jackie Wright's title?

22 A Executive Director, Office of Public
23 Engagement and Information SFUSD.

24 Q Was Jackie at that meeting, at that staff
25 meeting on Friday, March 2, 2001?

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1 A I can't -- I can't be sure.

2 Q What about Phil Hartman?

3 A He might have been.

4 Q What about Mr. Helgeson?

5 A Oh, I'm sure he was.

6 Q Okay. What about would Mr. Lopez had been
7 at that meeting?

8 A No.

9 Q You remember that he wasn't at that
10 meeting?

11 A A lot of the programmers didn't come to
12 the meetings.

13 Q Okay. What did you discuss at that staff
14 meeting?

15 A Oh, I really don't remember. I'm sorry.

16 Q That's okay. Did you discuss the
17 challenge, the license challenge?

18 A Not with staff at that time, no.

19 Q Did you mention the LOI?

20 A The Letter of Inquiry?

21 Q Yes.

22 A At that staff meeting? I doubt it.

23 Q On page 7 of your direct testimony SFUSD
24 Exhibit T-3 lines 20 to 22 you say that on March 2,
25 2001, just your second day at work, "Bill and I spoke

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1 with Ernie Sanchez of the Sanchez law firm
2 communications to counsel SFUSD."

3 How do you recall in your direct testimony
4 that you spoke with him on March 2nd?

5 A I -- I recall that it -- I worked
6 backwards from the cover letter that I sent out on
7 March 8th, which accompanied a memo that I sent to Mr.
8 Sanchez. And that was the sixth day on my job, and --
9 or something like that. And I said on that cover
10 letter "Good speaking with you the other day."

11 I believe that it was March 2, 2001.
12 You're correct, it could have been March 3rd. I mean,
13 you're correct in that I can't precisely say. It
14 wasn't on my calendar, but I do know that it was in
15 the first couple of days for sure.

16 Q Well, March 3, 2001 was a Saturday. Were
17 you working that day?

18 A No.

19 Q But you were working on Monday, March 5th,
20 which is page one of the SFUSD Exhibit 16?

21 A Yes, I was.

22 Q And there's nothing written in that block.
23 Do you recall what you were doing that day?

24 A Work. I mean, I had a lot to do.

25 Q Were you working on the LOI responses at

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1 that time?

2 A I was certainly working on CPB. I was
3 working on pulling together the fund drive. And I
4 might have also been the very beginning to brief
5 myself, looking at the public inspection file and
6 trying to start response to the Letter of Inquiry.

7 Q Did there come a time when you recall
8 starting to work on the responses to the Letter of
9 Inquiry?

10 A Well, I believe it was in, probably the
11 week of the fifth.

12 Q When you had the conversation with Mr.
13 Helgeson and Mr. Sanchez on March 2nd what did you
14 discuss?

15 A Well, I remember Mr. Sanchez congratulated
16 me for getting the position. And -- and then he
17 started to say -- I mean, I believe a briefing started
18 to occur around business license challenge, there's a
19 Letter of Inquiry, it should be on your desk you
20 should look it, you should begin to understand the
21 narrative of what happened.

22 Q And did he tell you that when the
23 responses to the LOI were due to the Commission?

24 A I don't recall that he gave me the due
25 date.

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1 Q Did there come a time when you understood
2 that there was a due date?

3 A Oh, yes. When obviously I read the Letter
4 of Inquiry the FCC was very clear in their directions.

5 Q And when did you read the Letter of
6 Inquiry?

7 A I must have read it that first week.

8 Q On March 2nd?

9 A The week -- either on March 2nd or I put
10 it off until Monday the 5th, since I believe March 2nd
11 was a -- oh, a Friday or a Thursday. Yes. March 2nd
12 was a Friday. So I might have said I'll try to find
13 it, the stuff on my desk.

14 Q On page 7 of your direct testimony it says
15 SFUSD T-3 page 7. You said that in those first days
16 of the station you saw Bill working at a file cabinet
17 near his desk. Where was his desk in relation to your
18 desk or your office, rather?

19 A Well, I'm the only one with an office --

20 Q Okay.

21 A -- within KALW. And so when you enter the
22 station, it's pretty much open and there's cubicals.
23 And, you know separated with cubical walls. And
24 there's like three areas, one, two, three. And Bill's
25 cubical area is that third cubical area towards the

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1 wall.

2 Q And his cubical area next to or adjacent
3 to your office?

4 A No.

5 Q Okay. You said that he was working on
6 completing the file, saw some things were missing,
7 filled in the ownership reports. Those are from lines
8 12 to 15 of page 7. Did you ask him what he was
9 working on?

10 MR. PRICE: Objection. Just so the
11 record's clear.

12 MS. LEAVITT: Yes.

13 MR. PRICE: The testimony says that Bill
14 said something to the effect of and then there's a
15 quote.

16 MS. LEAVITT: Okay. Right. Thank you.

17 BY MS. LEAVITT:

18 Q Did you ask him why he was working on
19 attempting to complete the files?

20 A Per my deposition I asked him, "Bill, what
21 are you working?" And he said we're attempting to
22 complete something to the effect of some things were
23 missing, filled in some ownership reports, I'm working
24 o the public inspection file.

25 Q And did he mention the LOI?

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1 A I -- I don't think he did, no.

2 Q What were you working on on the first few
3 days of your -- day one, what did you do on day one at
4 the station, which would have been Thursday, March 1st
5 per page 2 of SFUSD Exhibit 47 -- 16, rather.

6 Q I was really just trying to get a grasp on
7 where I was and a grasp on what was contained within
8 the walls of the station, who did what. The bathrooms
9 are out in the hallway. It's in a high school. So, I
10 was given keys and had to familiarize myself with the
11 grounds.

12 And I also wanted to see financial
13 reports, find out where the station was financially.

14 And also understand what was going on with
15 pledge drives. There was a Program Guide that had to
16 get out.

17 I was just trying to familiarize myself
18 with a new job.

19 Q Was there a 1999 Corporation for Public
20 Broadcasting Annual Survey Report that was due?

21 A Yes, there was.

22 Q And who was working on that?

23 A That was kind of in limbo.

24 Q What was the Activity Report?

25 A Well, the Activity Report is different

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1 from the Financial Report.

2 Q And what was the purpose of those reports?

3 A Well, the Financial Report validates to
4 the Corporation for Public Broadcasting that we
5 receive a -- what's called a CSG, Community Service
6 Grant. It validates income and expense. Also it
7 validated how we use that Community Service Grant.

8 Station Activity Survey, which is due at
9 a different time of year, from CPB basically informs
10 CPB about what activities do the stations that they
11 fund do.

12 Q And when were each of those reports due to
13 CPB?

14 A They were late.

15 Q When were they due?

16 A Well, the Annual Station Activities
17 Financial Report -- or excuse me. The Annual
18 Financial Report for Stations is usually always due by
19 the end of October, beginning of November.

20 The Annual Station Activities Report is a
21 different cycle. And that is usually due, I believe,
22 at the end of February.

23 Q So the '98 Activity Report would have been
24 due in February 2001?

25 A No, the '99 Financial Report.

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1 Q Okay.

2 A I believe would have been due in 2000.
3 The fall of 2000.

4 Q October/November 2000?

5 And when was the Activity Report do?
6 February, 2001?

7 A Right. That would have been the six month
8 cycle.

9 Q Right.

10 A Each one has a six months between them.

11 Q And these reports had not been filed at
12 the time you started?

13 A They had not.

14 Q Who was responsible for filing those
15 reports?

16 A The General Manager.

17 Q And who was the General Manager prior to
18 your arrival on March 1, 2001?

19 A It's my understanding that Michael Johnson
20 was the General Manager for some time of that period.

21 Q Do you know when Michael Johnson left?

22 A I don't know exactly when he left.

23 Q When Mr. Helgeson contacted you in August
24 of 2000 did he indicate why they were looking for a
25 General Manager?

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1 MR. PRICE: Objection. She's testified it
2 was sometime in mid part of 2000 or the fall that
3 you've identified as August. It doesn't really matter,
4 but --

5 JUDGE SIPPEL: I'll sustain the objection.
6 Let's just start that line again.

7 MS. LEAVITT: Okay.

8 BY MS. LEAVITT:

9 Q When Mr. Helgeson contacted you about the
10 General Manager position and the vacancy, did he
11 indicate why they were looking for a General Manager?

12 A The position was open. Nobody was -- they
13 wanted a General Manager.

14 Q And when did he contact you, Mr. Helgeson?

15 A Sometime in 2000. I mean, it must have
16 been either -- I'm not exactly sure. Summer or fall.

17 JUDGE SIPPEL: She's already testified on
18 that.

19 MS. LEAVITT: I thought she had, Your
20 Honor.

21 JUDGE SIPPEL: Yes.

22 MS. LEAVITT: And I thought she did say
23 August.

24 JUDGE SIPPEL: Well, my notes say August.
25 I'm just writing down what I hear.

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1 MS. LEAVITT: Thank you.

2 THE WITNESS: So I --

3 JUDGE SIPPEL: Go ahead. Go ahead.

4 MS. LEAVITT: Okay. Just a moment. It'll
5 take me a second to relocate my spot.

6 BY MS. LEAVITT:

7 Q So the '99 Financial Report was due in
8 October/November of 2000. Was Michael Johnson the
9 General Manager in October/November of 2000?

10 A I cannot answer that with full honesty. I
11 really don't know.

12 Q Okay. The Activity Report that was due in
13 February 2001, was Michael Johnson the General Manager
14 then?

15 A In 2001?

16 Q Yes, February.

17 A No, he was -- he was not.

18 Q Okay. Who would have been responsible if
19 Michael Johnson wasn't the GM at that time, who would
20 have been responsible for filing that report?

21 A The interim General Manager.

22 Q And who was that?

23 A I believe it was Bill Helgeson.

24 Q When did you find out that these reports
25 were late?

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1 A Pretty much the first day or two or after
2 that weekend, and the third day on the job.

3 Q Did you ask Mr. Helgeson to file the
4 reports?

5 A I -- I certainly had to get a narrative
6 from Mr. Helgeson with regard to the Station
7 Activities Survey since I wasn't there.

8 Q And he was looking, so did you tell him
9 when you saw him going through files to complete the
10 report -- complete the file, rather, did you tell him
11 to stop working on that and focus on the Activity
12 Report for February 2001?

13 A No. I -- I was familiar with the Station
14 Activities Report. It was more like what did you guys
15 do for outreach, because those are the types of
16 questions that CPB asks.

17 Q Did you ask Mr. Helgeson what file he was
18 attempting to complete? Was it the public inspection
19 file?

20 A I -- I asked him --

21 MR. PRICE: Can we just get a clear
22 question? I think she's been jumping around on dates
23 a little bit. And I just want to make clear when she's
24 asking Mr. Helgeson was working on the file, is she
25 talking about when -- she's talking about the

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1 testimony here when she says she saw Mr. Helgeson
2 working on the file her first day at work, or at some
3 other point.

4 JUDGE SIPPEL: Well, I'm satisfied the way
5 that -- but your last question is kind of what you
6 really want to know is at what point did she first see
7 Mr. Helgeson working on the public inspection file.

8 MS. LEAVITT: Yes, Your Honor. I would
9 like to know that.

10 JUDGE SIPPEL: All right. Well, let's
11 start with that and see what you can find out.

12 MS. LEAVITT: Okay.

13 JUDGE SIPPEL: Did it come to a time when
14 you saw --

15 BY MS. LEAVITT:

16 Q When you understand -- or you saw Mr.
17 Helgeson working on the public inspection file?

18 A It was either -- it was right when I was
19 coming in he was working on a file in a filing
20 cabinet. And it was open close to where he sits. As
21 I stated at my deposition that he was working with a
22 station volunteer. And it later became my
23 understanding that they working on the public
24 inspection file.

25 Q Thank you.

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1 And did there come a time when you learned
2 that there was deadline for the LOI response, to file
3 a response to the Letter of Inquiry?

4 A When I read it.

5 Q And when did you read the -- okay. We
6 went over that.

7 What did you do upon learning that there
8 was a deadline? What was your understanding of what
9 the deadline was?

10 A That it was right around the corner.

11 Q Do you have a recollection of what date
12 that might have been?

13 A Well now that my recollections have been
14 refreshed by reading over the Letter of Inquiry, that
15 date was literally right around the corner. I believe
16 we were given 30 days to address the Letter of
17 Inquiry.

18 Q The Letter of Inquiry was dated on -- it's
19 EB Exhibit 16, if you need to refresh your memory.

20 A Oh, I'm sorry.

21 MR. PRICE: If you need to look at it. I
22 don't know if you need to look at it.

23 THE WITNESS: Actually, for that I don't
24 need to look at it. Yes, it was February 5, 2001.

25 BY MS. LEAVITT:

1 Q So 30 days would have been March 5th or
2 6th for the deadline, right? Or 7th? Do you recall?

3 MS. LEAVITT: Is that a question? Are you
4 asking that to the witness?

5 MS. LEAVITT: Yes, Your Honor.

6 BY MS. LEAVITT:

7 Q The deadline -- the 30 day deadline would
8 have been March 6th or 7th. I think it was a 28 day
9 month in February, 2001.

10 A That's correct.

11 MR. PRICE: What date was that?

12 JUDGE SIPPEL: She's already testified
13 that there was a deadline.

14 BY MS. LEAVITT:

15 Q Did you file the response then?

16 A No, I didn't file the response then.

17 Q Did you get an extension?

18 A I was told later on by counsel, Mr.
19 Sanchez, that he had gotten an extension.

20 Q When were you told that?

21 A Sometime maybe -- sometime in March.

22 Q Do you have EB Exhibit 13 available?

23 A From -- from my testimony?

24 Q No.

25 A Oh, I'm sorry. So I look for 13? Okay.

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1 Hold on a moment, folks. This is the Letter of
2 Inquiry.

3 Q EB Exhibit 13 is a March 6, 2001 letter
4 from the Sanchez law firm to --

5 MR. PRICE: Not in our copy it's not.

6 MS. REPP: If you're looking for that
7 letter, I have it marked as Exhibit 16.

8 THE WITNESS: I can get that, not too
9 onerous to turn over.

10 MS. LEAVITT: I apologize. I am sorry.
11 It's Exhibit 16, EB Exhibit 16.

12 BY MS. LEAVITT:

13 Q Have you seen that document before?

14 A I must have. It was CC'ed to me.

15 Q And directing your attention to paragraph
16 2, what was the reason for this letter? What was the
17 letter requesting?

18 A An extension of time, correct?

19 A And why?

20 MR. PRICE: Objection.

21 JUDGE SIPPEL: I don't really want to
22 enter -- get myself any more than I have to, but you
23 basically have established all this already. I mean,
24 she's testified that they needed more time. She came
25 on. She came on board. She found out about all this is

1 going on. And, you know, you want to ask her why was
2 more time needed, you can ask that question.

3 MS. LEAVITT: Okay. Yes, Your Honor.

4 BY MS. LEAVITT:

5 Q Why was more time needed, Ms. Sawaya?

6 A I imagine because they hadn't done
7 anything yet.

8 (Laughter).

9 JUDGE SIPPEL: Good question.

10 BY MS. LEAVITT:

11 Q And did they want to involve you in all
12 matters relating to the license renewal including the
13 response to the Letter of Inquiry?

14 MR. PRICE: Objection.

15 JUDGE SIPPEL: No, I'm going to overrule
16 that objection. That's a legitimate question.

17 THE WITNESS: I think they wanted me
18 briefed.

19 BY MS. LEAVITT:

20 Q Well, briefed? I think the letter said
21 that they wanted to involve you. What was your
22 understanding of "involve?"

23 A That I was the new General Manager. That
24 this was a problem that had been hanging over the
25 state for a while. And that at the very least I would

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